M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1952 Press ~~Mis.~~

121-122

Dated 15-12-1863 ~~19~~

11/11

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 15th December 1863.

No. 121. Read the following letter from A. MACDONALD RITCHIE, Esq., Registrar, High Court, Madras, Original side; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated 27th November 1863.

I have the honor to transmit herewith a Memorial, in triplicate, to the Right Honorable the Secretary of State for India in Council, and to request that you will be good enough to have the same forwarded by the present Mail.

I have also the honor to enclose twelve spare copies for the use of the Members of the Council of India.

To the Right Honorable Sir CHARLES WOOD, Bart.,
Secretary of State for India, in Council, &c.; &c., &c.

The humb'e Memorial of ARTHUR MACDONALD RITCHIE, Esq., B.A., Barrister at Law, Registrar and Prothonotary of Her Majesty's late Supreme Court, and Registrar of Her Majesty's High Court at Madras in its Original Jurisdiction, &c.

Sheweth,

That with reference to your Despatch to His Excellency the Governor in Council, Fort Saint George, of the 21st July 1863, No. 19, your Memorialist most respectfully requests that you will be good enough to reconsider the decision therein arrived at as to the amount of salary to be given to the Registrar of the High Court in its Original Jurisdiction, at least so far as it affects the office during your Memorialist's incumbency.

2. While the question of the Ministerial establishment of the High Court at Madras, as a whole, was pending between the Chief Justice and the local Government, and was subsequently referred to you, Right Honorable Sir in Council, your Memorialist considered it would have been improper and unbecoming in your Memorialist to have troubled you on the subject.

3. Now, however, that the general scheme has been to a certain extent defined, your Memorialist trusts he may be excused in bringing to your notice those circumstances which show that that [illegible] as it relates to your Memorialist individually, inflicts a grievous hardship and injury on your Memorialist, and your Memorialist further trusts he may be excused in begging [illegible] do your Memorialist that justice which he humbly submits he is entitled to.

4. The circumstances upon which your Memorialist bases this request, are as follow :—

5. Previously to your Memorialist being appointed Registrar and Prothonotary of the late Supreme Court, your Memorialist was a Barrister-at-Law, of 16 years' standing, had continuously resided and practised in Madras for more than thirteen years, and was holding and had for eight years held the office of Chief Clerk of the Insolvent Court.

6. That the average professional Income of your Memorialist for the five years ending the 31st December 1860 was Rupees 25,614 per annum, as will appear by the Return marked A in the Appendix hereunto annexed : an amount which it is wholly incredible any man would give up unless he felt assured he was accepting something which was nearly equivalent.

7. The annual average net emoluments of the office of Registrar and Prothonotary of the Supreme Court for the five years ending 31st December 1861, were Rupees 24,590-2-2 per annum, or Rupees 2049-2-10 per mensem, and for the five years ending the 31st December 1862, were Rupees 26,655-3-6 per annum, or Rupees 2221-4-3 per mensem, as appears by the Return marked B in the Appendix.

These amounts do not include the sum of Rupees 300 per mensem, paid by the Registrar, &c., of the Supreme Court, to his Deputy.

8. For nearly six months prior to your Memorialist accepting the office of Registrar and Prothonotary of the late Supreme Court, that office was only temporarily filled up, and during that period the Government of Madras made no communication to Her Majesty's Judges with regard to it.

9. On the arrival of the present Chief Justice, the Honorable Sir C. H. Scotland, Knight, and before accepting the Office of Registrar and Prothonotary, your Memorialist had an interview with him in the presence of the Honorable Sir Adam Bittleston, when the Chief Justice assured your Memorialist, not only that whoever was Registrar of the Supreme Court at the time of the amalgamation of the Supreme and Sudder Courts, would be the Registrar of the High Court, but also that the remuneration of the office would not be less than the then average receipts of the Registrar and Prothonotary of the Supreme Court, as will more fully appear from a letter of your Memorialist to the Chief Justice, dated 1st November 1862, and copy of which is marked C in the Appendix.

10. The Chief Justice having only arrived a few days in India, your Memorialist concluded he spoke with authority on the subject, and that from the best of sources, and thus assured, your Memorialist, as requested by the Chief Justice, resigned the office of the Chief Clerk of the Insolvent Court and accepted that of the Registrar and Prothonotary of the late Supreme Court.

11. The terms of your Memorialist's appointment are embodied in a letter from the Chief Justice to your Memorialist of the 30th May 1861, a copy whereof is marked D in the Appendix.

12. In this letter the *emoluments* of the office your Memorialist submits, are not even alluded to—the only alterations to which your Memorialist was to be subject, being those referring to the *duties* and *practice* of the Office. Thus reading the letter and bearing in mind the previous conversation on the subject your Memorialist had had with the Chief Justice, your Memorialist accepted the appointment in a letter of the same date, copy of which is marked E in the Appendix, and your Memorialist was sw on the 31st May, and entered upon the duties of the office on the 1st day of June 1861.

13. The terms of your Memorialist's appointment he submits, were Memorialist was to be Registr Prothonotary of the Supreme Court a High Court on its formation, but that he as Registrar of the High object to perform any duties other than those ordinarily performed by the Regist me Court which might be required of him. And that as to emoluments, your Mem as to con to be paid by Fees, or if placed on a salary, that salary would be air and re able average of the emoluments of the Office of Registrar and Prothonotary.

14. In these emoluments, your Memorialist most respectfully submits he on his appointment then had and still has a clear and indisputable vested right, under the provisions of the Charter of the late Supreme Court.

15. Acting on this understanding, your Memorialist made no demur to, but willingly performed the various additional duties which have devolved upon him since the formation of the High Court, and these additional duties have not been few.

16. Before the establishment of the High Court, your Memorialist was Registrar and Prothonotary and Keeper of the Records of the Supreme Court, with other duties to perform in that capacity, such as Official Trustee, Supervisor of Joint Stock Companies, &c. Since then, your Memorialist has had added to those duties the duties of Sealer, Registrar of the Vice-Admiralty Court, and Chief Clerk of the Insolvent Court. The net average emoluments of added offices for the five years ending 31st December 1861, exceeded Rupees 921-15-7¼ per mensem, as appears by the Return marked F in the Appendix.

17. Subsequent to your Memorialist's appointment to the Office of Registrar and Prothonotary of the Supreme Court, and after your Memorialist had entered on the duties of the Office, the Government of Madras on the 14th June 1861, addressed a letter to the Judges of Her Majesty's Supreme Court, requesting them to intimate to your Memorialist that your Memorialist would not be considered by Government as having any claim to co ion, consequent

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on any measures which might be taken in reference to his Office, on the then anticipated amalgamation of the Supreme and Sudder Courts. A copy of this letter is marked G in the Appendix.

18. To this letter the Judges of Her Majesty's Supreme Court replied, on the 18th June 1861, that on your Memorialist's appointment, due regard had been taken to provide for all such probable changes connected with the proposed amalgamation as could reasonably and properly be anticipated, and declined to communicate to your Memorialist on the part of Government the intimation as regards compensation contained in the letter of the Governor in Council to them. A copy of this letter is marked H in the Appendix.

19. In this letter, your Memorialist also submits, the Judges of Her Majesty's late Supreme Court carefully draw the distinction between the *duties* and *practice* of the Office and its *emoluments*, and clearly refer to the rights of the present incumbent thereto.

20. On the 27th June 1861, the then Chief Secretary to Government wrote to your Memorialist, stating that he was directed by the Governor in Council to inform your Memorialist that your Memorialist would not be considered by Government entitled to compensation, on account of any measures which might be taken regarding his Office on the amalgamation. A copy of which letter is marked I in the Appendix.

21. To this letter your Memorialist replied on the 6th July 1861, copy whereof is marked J in the Appendix, and which your Memorialist leaves to speak for itself.

22. Had your Memorialist had any notice similar to this one of the Chief Secretary's of the 27th June 1861, either from the Chief Secretary or from the Chief Justice, previously to his being appointed Registrar and Prothonotary of the Supreme Court, your Memorialist can only say that he would neither have *asked for* nor *accepted* the appointment. But this notice coming to your Memorialist as it did, *after* he had *been appointed*, and had *entered* on the duties of the Office was, he submits, too late, and could and did not in any way affect his rights in the emoluments attaching to the Office.

23. The letter of the Governor in Council to the Judges of the late Supreme Court, however, had this effect—that on the Offices of Master in Equity and Interpreters becoming vacant, the Gentleman appointed to the former Office was given distinctly to understand that he was appointed subject to all changes likely to occur both as to *emoluments*, as well as to *duties*, and the new Interpreters were only appointed *temporarily*.

24. It cannot, therefore, your Memorialist submits, be contended that he accepted the Office of Registrar and Prothonotary at his own risk, or that he is debarred from all claim to compensation, simply because at the time of your Memorialist's appointment, the amalgamation of the Supreme and Sudder Courts in India was imminent, or a contingency which might be foreseen as likely to occur within a brief period.

25. On the establishment of the High Court at Madras, the Chief Justice called for a Return of the emoluments received by the several Officers of the late Supreme Court, and was furnished with a Return, showing what these emoluments were in respect of each Office for the previous thirty-two years.

26. From the correspondence which subsequently took place on the subject of the Ministerial Officers of the High Court in its Original Jurisdiction, and to which your Memorialist begs leave to refer, it will appear that the Chief Justice appointed the amount of the salary which he recommended as reasonable to be given to each Officer of the late Supreme Court from a calculation of the average annual emoluments of the last preceding five years of the office held by such Officer.

Note.—With respect to the Commissioner and Taxing Officer who was the Master in Equity, his salary appears to have been calculated upon the average of the last previous five years of Fees received for Taxing, with something added for the duties of the new office of Commissioner, that of Master being about to be abolished.

27. In every instance, except that of the Deputy Sheriff and of your Memorialist, the Government of Madras approved of the amounts appointed by the Chief Justice, and in many instances added slightly to those amounts, in order to make them round numbers. The objection to the Deputy Sheriff's salary was

These remarks are confined to those Officers who held Office under the Supreme Court, having been appointed thereto by the Court, and do not therefore refer to the Deputy Registrar of the Supreme Court, who was not an Officer of Court, but appointed and paid by the Registrar, and was in fact his Officer.

more as to the necessity of the Office being continued than as to the amount being not reasonable, and if put out of consideration, would leave the objection to the salary appointed for your Memorialist a solitary exception.

28. With reference to the amount appointed by the Chief Justice as a reasonable salary for your Memorialist as Registrar of the High Court, (Original side) and without in any way wishing to appear to appeal from the decision come to by the Chief Justice on the point, your Memorialist has merely to observe that the net average of the emoluments of the Office of the Registrar and Prothonotary of the Supreme Court for the five years ending 31st December 1861, was Rupees 28,190-2-2, or Rupees 2349-2-10 per mensem, as appears by the Return marked B in the Appendix. This average includes the sum of Rupees 300 per mensem, paid by your Memorialist to his own Deputy, as well for your Memorialist's own convenience, as to keep the Office efficient—which sum your Memorialist considered ought to have been included in the average, and which makes the greater part of the difference between the net annual average and the amount appointed. But as the Chief Justice is of a different opinion to your Memorialist on this question, and as it may fairly be considered a matter of opinion, your Memorialist willingly defers to the Chief Justice's better judgment.

29. The amount, however, appointed for your Memorialist as salary by the Chief Justice, is only calculated on the average of the emoluments of the Office of Registrar and Prothonotary of the Supreme Court, and has no reference to the average emoluments of the Chief Clerk of the Insolvent Court, Sealer, or Registrar of the Vice-Admiralty Court, the additional duties of which Offices your Memorialist has now to perform. Something, your Memorialist submits, might reasonably have been added to his annual average, on account of having to perform these additional duties and the great saving to Government occasioned thereby.

30. That with reference to the letter of the Governor in Council to the Chief Justice of the 24th day of February 1863, your Memorialist begs most respectfully to observe that the only hypothesis or premise contained in it which would justify the cutting down or non-approval of any salary appointed by the Chief Justice, is that contained in paragraph 13, and set out in the margin. But your Memorialist has already shown that this cannot be applied to the case of your Memorialist, and that therefore the non-approval of the amount appointed by the Chief Justice cannot be upheld under it.

Paragraph 13.—* * * * * * and as regards claim to compensation, the Governor in Council would not be disp... ...y of any such claims in the ... have accepted their present offi... tion of the Supreme ... imminent, or could have ... likely to occur within a brief period. Persons w... their appointments under these circumstances ... known that they did so at their own risk, and that they could have no claim to compensation in the event of their offices being abolished, or their emoluments reduced.

31. With respect to the same letter and also to the subsequent letters of the Governor in Council to the Chief Justice upon this question, wherein reference is made to the High Court at Calcutta, your Memorialist has further most respectfully to observe, that the establishment of the High Court at Calcutta is *not*, and ought not to be taken as an analogous case to the establishment of the High Court at Madras, as in Calcutta, the Officers of the late Supreme Court there had for many years been on fixed salaries, the whole of the Fees going to Government. If the time when the Officers of the Supreme Court at Calcutta were first placed upon salaries, had been fixed upon as an analogous case, it would, your Memorialist submits, have been more accurate. At that time the salary of the Registrar was fixed at Rupees 3000 per mensem, and the salary of the Prothonotary was fixed at Rupees 3000 per mensem, both Officers having other duties to perform: so that in either case, whether your Memorialist was looked upon as Registrar or Prothonotary, and the Court at Calcutta was to be the guide, your Memorialist submits, the proper salary for him ought to have been Rupees 3000 per mensem. But the true analogy, your Memorialist submits, is and ought to have been made with the High Court at Bombay. There, besides a Commissioner at Rupees 2700 per mensem, there are two Registrars, with salaries appointed and approved of, of Rupees 2500 per mensem each.

32. But supposing that the salaries of the Officers of the High Court at Calcutta may be taken as a guide to fix the salaries at Madras, then your Memorialist submits, the Government

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here has overlooked the fact that your Memorialist is and was not only Registrar but also Prothonotary. In Calcutta these offices are held by different persons, and to fix upon the salary which is the lower, viz., that of Registrar, at Rupees 1500 per mensem, rather than that of the higher, the Prothonotary, at Rupees 2000 per mensem, as that by which the amount of your Memorialist's salary ought to be guided, is hardly fair. It may be urged, that at Calcutta the Prothonotary has other duties to perform. In that case your Memorialist can only add that he has *very many* other duties to perform besides that of Prothonotary. Your Memorialist has further respectfully to submit on this point, that if this analogy with Calcutta were strictly carried out, his salary ought to be equal to that of both the Registrar and Prothonotary at Calcutta, or Rupees 3500 per mensem.

Letter of 27th November 1862, paragraphs 7, 15, 16, 20.
Letter of 21st March 1863, paragraphs 4, 6, 7, 8.
Letter of 12th May 1863, paragraph 4.

33. That with reference to the duties of your Memorialist's office, he begs to refer to those portions of the Chief Justice's letters noted in the margin.

34. These duties, your Memorialist submits, are more numerous, and diversified and heavier than those of the Registrar on the Appellate side of the Court, and are as numerous, as onerous, and as important as, if not much more so than any duties performed by the heads of the offices of Adjutant General, Quarter Master General, Commissary General or Controller of Military Finance at Madras, and to each of whom, your Memorialist perceives by the *Official Gazette* published at Madras of the 6th day of November 1863, a salary of *Rupees* 2200 per mensem, has been for the future assigned.

35. Your Memorialist also submits that your Memorialist had and has as good and clear a right in and to the emoluments of the office of Registrar and Prothonotary of the late Supreme Court, as Mr. Chamier had or has to the salary of the Registrar of the late Sudder Court, and as Mr. Chamier's rights have been reserved, and during his incumbency of office as a Registrar of the High Court, he has been directed to receive the same salary as he had as Registrar of the late Sudder Court, so your Memorialist submits his rights also should be reserved and his salary as a Registrar of the High Court should not be less than the net average emoluments of the Registrar and Prothonotary of the Supreme Court for the five years immediately preceding the establishment of the High Court.

36. Your Memorialist could not return to the Bar to practice without sustaining a very considerable loss, not only on account of the difficulty in regaining in any thing like a moderate time a considerable income in a very limited community, but also on account of having to forego as counting towards pension the ten years and upwards which your Memorialist has now been in H. M's. Service.

37. The above are the circumstances which your Memorialist wishes to bring to the notice of you, Right Honorable Sir in Council, for your consideration, and in doing so your Memorialist begs to be considered as acting with the most profound respect and submission to all in authority over him.

Your Memorialist therefore prays that this his Memorial may be received, that the decision arrived at with respect to your Memorialist's salary as Registrar of Her Majesty's High Court of Judicature at Madras in its Original Jurisdiction may be re-considered, and that a salary be assigned to him of not less than Rupees 2200 per mensem to take effect from the 1st day of June 1863; or that compensation to the extent of at least Rupees 700 per mensem be given to your Memorialist to take effect from the 1st June 1863: or that a permanent compensation be given to your Memorialist for the loss of the emoluments of the office of Chief Clerk of the Insolvent Court at Madras, calculated on an average of the last five years preceding the 1st June 1863, and to take effect from that date: or that your Memorialist be appointed to the office of a Civil and Sessions Judge in the Presidency of Madras, on the same amount of salary as that now drawn by

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Civil and Sessions Judges in the said Presidency, on the first vacancy occurring therein: or that your Memorialist may be appointed to the next vacancy which may happen on the Bench of Her Majesty's High Court: or for such other relief as may be deemed necessary. And your Memorialist as in duty bound will ever pray, &c.

HIGH COURT OF JUDICATURE AT MADRAS, *26th November* 1863. (Signed) A. MACDONALD RITCHIE.

No. 122. ORDER THEREON, 15th. December 1863, No. 1952.

Ordered that Mr. Ritchie's Memorial be transmitted to the Secretary of State.

(Signed) . A. J. ARBUTHNOT,
Chief Secretary.

Exd, T. O'Connor,

APPENDIX,

TO WHICH THE FOREGOING MEMORIAL REFERS.

A.

Return shewing the Professional Income of A. MACDONALD RITCHIE, Esquire, Barrister at Law, for the Five years ending 31st December 1860.

In the year	1856 the amount received was Rupees ...	24,976	8 0
,,	1857 .... ,,	25,944	0 0
,,	1858 ...	18,467	0 0
,,	1859	27,485	0 0
,,	1860	31,198	0 0
	Which g ...	28,079	8 0
	Makes an average per annu ...	25,614	1 3

B.

Return of the Registrar and Prothonotary of the late Supreme Court for five years ending 31st *December* 1861.

Year.	Gross amount of Fees.			Gross Emoluments.			Office Expenses.			Net Emoluments.			Remarks.
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
	2,773	9	3	26,294	15	4	4,923	3	8	21,371	11	8	
	0,313	1	8	32,998	15	0	6,408	3	8	26,590	11	4	
	5,539	13	0	35,676	7	6	5,238	2	5	30,438	5	1	
	5,812	0	0	35,812	0	0	5,661	15	0	30,150	1	0	
.....	38,007	2	4	38,007	2	4	5,607	4	4	32,399	14	0	
	1,62,445	10	3	1,68,789	8	2	27,838	13	1	1,40,950	11	1	Total for 5 years.
	32,489	2	0	33,757	14	5	5,567	12	2	28,190	2	2	Average for one year.

Return of Emoluments of the Registrar and Prothonotary for the five years ending 31st *December* 1862.

YEAR.	Gross amount of Fees.			Gross Emoluments.			Office Expenses.			Net Emoluments.			REMARKS.
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	...	A.	P.	
1858.....	30,313	1	8	32,998	15	0	6,408	3	8	26,590	11	4	
185	35,539	13	0	35,676	7	6	5,238	2	5	30,438	5	1	
1860.....	35,812	0	0	35,812	0	0	5,661	15	9	30,150	1	0	
18	38,007	2	4	38,007	2	4	5,607	4	4	32,399	14	0	
18 ...	37,176	6	4	37,176	6	4	5,479	4	1	31,697	2	3	
	1,76,848	7	4	1,79,670	15	2	28,394	13	6	1,51,276	1	8	Total for 5 years.
	35,369	11	1	35,934	3	0	5,678	15	6	30,255	3	6	Average for one year.

C.

From

A[illegible] MACDONALD RITCHIE
Barrister-at-Law

To

COLLEY

My Lord,

As the time is approaching for the appointment
under the provisions of
wish of Government
tion some few circumstan

Who ought to be *the* Regist

What should be the amount of his Salary

In doing this, I shall be unable
Chamier and myself; but at the sa
the slightest degree to attribute
Neither do I wish in t
sidered not out of

With these provisoes, I have then respectfully
ought to be

the 24th a

Barrister Judges, as

am a Barri
a Barrister at Law as
ompany and the Crown

I have been in active p
Fourteen years—Mr. Chamier ha
ten years, to say nothing of prev

arning or the want

Judge, by which he will be benefitted both
professional repu

In addition t
duced me to a
gistrar of the late

Administrator General—and on Mr. T
ar, I was
accepted the office of Registrar, I should now have b
average income of from

damnified as

t be taken on the A

and in order that I might be

algamation, will be

To a further question which I put as to remuneration, you said to the effect, that
the High Court was to be paid by a salary, that salary would not be less than the average net amount
by the Registrar of the Supreme Court in Fees, and if paid by Fees, then you had no doubt but the
of Fees would be greater.

Thus assured, I resigned the office of Chief Clerk of the Insolvent Court, and accepted that of
gistrar of the Supreme Court, feeling satisfied that so long as the matter rested with your Lordship, th
no doubt of my becoming the Registrar of the High Court.

I submit therefore that I ought to be Registrar of H. M. High Court of Judicature at Madras.

Now as to the amount of salary. This, I submit, should be regulated in one or other of the following ways:

By an average of the net receipts of the last five years, which would give Rupees 2,542 15-8 [illegible]
mensem—but which is hardly enough exemplified by the average receipts of the last nine months, a return of which I herewith enclose, and which come to Rupees 2,686-9-4¾ per mensem: or by taking a sum which should bear the same proportion to the salary of a Puisne Judge of the High Court of Madras, as the salary of the Registrar of the High Court at Calcutta bears to the salary of a Puisne Judge of that Court. Th
of the Registrar of the late Supreme Court at Calcutta was Ru
pees 3,000 per mensem, and the salaries of in-coming Puisne Judges are respectively Rupees 50,000, and Rupees 45,000 per annum, which would make the following equation 50,000 : 36,000 = 45,000 from which it follows that the amount would be Rupees 27,000 per mensem.

* From these amounts the Registrar pays his Deputy.

$$50 : 36 = 45 : x$$
$$50x = 45 \times 36$$
$$x = 45 \times 36$$

45
36
270
135
1620

$x = \frac{1620}{50} = \frac{162}{5}$
$x = 32\frac{2}{5}$ thousands.
$x = 32{,}000 + 400$
$= 32{,}400$ which
divided by 12 gives $x = 2{,}700$ per mensem.

But I submit further that this would be a salary only in respect of the duties proper of Registrar—I have other duties to discharge from the mere fact of being Registrar of the late Supreme Court, which entail labor and responsibility with little or no profit, and which should also be taken into consideration.

These are official Trustee under Act XVII of 1843, and the duties required of the Registrar under Act XIX of 1857 for Joint Stock Companies and under the Press Act, Act XI of 1835.

Hence as salary, I submit the amount ought to be Rupees 3,000 per mensem.

The above remarks, I have to assure you, are not made from any mistrust entertained for your coming to any other than a right and just conclusion in the matter; but simply from an anxiety on my part to lay all the facts as regards myself before you previously to your coming to that conclusion: and trusting that your Lordship will excuse any trouble I may thus be giving you.

I have the honour to be,
My Lord,
Your Lordship's most obedient Servant,
(Signed) A. MACDONALD RITCHIE.

MADRAS, 1st November 1862.

D.

May 30th, 1861.

DEAR SIR,

I have had under consideration your application for the vacant Registrarship of the Supre
of Madras, and hearing from you that if appointed to that Office you wi
of Chief Clerk of the Insolvent Court; I feel pleasure, after consulting with Sir A. Bittleston in inform
you of my determination to appoint you to the vacant Office. In accepting it however, there is a further
dition which it is my duty to impose, and which you must distinctly understand. In the event of the anticipat
amalgamation of the Courts and the probable legal changes consequent upon it, the duties and practice of

Registrar's Office will no doubt be modified and altered, and your present appointment to the Office must be considered and accepted as made subject to all such alterations and modifications as may be deemed necessary.

Wishing you every success and believing that you will ably and efficiently discharge the du[ties] your new Office with advantage to the public and credit to yourself

I remain,
Your's truly,
(Signed) C. H. SCOTLAND.

P. S.—I must request you to write [me] resigning the Office [you] first taking care to complete the immediately pressing business of the Office.

A. M. RITCHIE, Esq.

E.

To the Honorable

Sir C. H. Scotland, Kt.,
Chief Justice.

My Lord,

I have the honor to acknowledge the receipt of your Lordship's letter of this day's date, and to inform you that I am perfectly willing to undertake the duties of Registrar and Prothonotary [of the] Supreme Court, under the restrictions therein referred to.

According to your wish, I here[with] [re]turn the Chief Clerk [of] the Re[gis]t Debtors.

The immediate pressing business [will be] completed on to-morr[ow].

I have the honor to be,

[Your Lord]ship's most obedient Serv[ant],
(Signed) A. MACDONALD RITCHIE.

Red Hills, 30th May 1861.

F.

Sealer's Office for five years, viz., **1855-56-57-58 and 61.** *There has been no returns furnished for* **1859-60.**

YEAR.	Gross Emoluments.	Office Ex[penses]	Net Emoluments.	Remarks.
	Rs.			
1855	3,55[3]			
1856	[illegible]			
1857	[illegible]			
18[illegible]	[illegible]			
	18,249 11	696	[illegible] 5	Total of
	3,649 15 1	139	3,510 11 10	

6

Return of Expences and Emoluments of the Office of Chief Clerk of the Court for the Relief of Insolvent Debtors at Madras for the years 1857, 58, 59, 60 *and* 61.

YEAR.	Salary.			Fees.			Total Emoluments.			Office Expences.			Net Emoluments		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1857	2,619	0	0	6,350	5	0	8,969	5	0	758	6	0	8,210	15	0
[illegible]	2,619	0	0	6,601	10	0	9,220	10	0	760	12	10	8,459	13	2
[illegible]	2,619	0	0	7,353	13	0	9,972	13	0	901	9	6	9,071	3	6
1860	2,619	0	0	3,851	7	0	6,470	7	0	828	1	6	5,641	15	6
1861	2,619	0	0	4,677	13	1	7,296	13	1	915	11	10	6,381	1	3
Total of two years	13,095	0	0	28,835	0	1	41,930	0	1	4,164	15	8	37,765	0	5
Average of one year	2,619	0	0	5,767	0	0	8,286	0	0	832	15	11	7,553	0	1

G.

Fort Saint George, 14*th June*, 1861.

No. 857.

Honorable Sirs,

Public Department.—We have had the honor of receiving a list, sent by the Deputy Registrar of your Court, under your orders showing the present Establishment of the Barristers and Attorneys of Her Majesty's Supreme Court.

We observe that in the List, Mr. A. M. Ritchie is entered as Registrar and Prothonotary of [illegible].

2. As this is the first official intimation which we have received of his appointment, we would [re]quest for the information of your Lordships, and would request that it may be intimated to Mr. Ritchie, that he will not be considered by Government as having any claim to compensation, in consequence of any measures which may be taken in reference to his office, on the anticipated amalgamation of the Supreme and

We have the honor to be,
Honorable Sirs,
Your most obedient and humble Servants,
(Signed) W. DENISON,
(„) W. A. MOREHEAD,
(„) E. MALTBY.

The Honorable Sir Colley Harman Scotland, Knight,
Chief Justice.

and

The Honorable Sir Adam Buttleston, Knight,
Puisne Justice of Her Majesty's Supreme Court of Judicature at Madras.

H.

18*th*, 1861.

To

THE HONORABLE THE GOVERNOR IN COUNCIL,
&c. &c. &c.
Fort Saint George.

HONORABLE SIR,

We have the honor to acknowledge the receipt of the letter of your Excellency in Council, bearing date the 14th Instant, referring to a list of the Barristers and Attorneys of Her Majesty's Supreme Court, and to the circumstance that Mr. A. M. Ritchie's name is entered in it as Registrar and Prothonotary of the Court. This list seems to have been regarded by your Excellency in Council as an official intimation of Mr. Ritchie's recent appointment by the Chief Justice, but in point of fact such list is only an Annual Return sent from the Registrar's Office in compliance with a practice sanctioned by the Judges since 1829, for the purpose of regulating licenses (now obsolete) from the Honorable the Board of Directors of the East India Company, and without reference in any way to Mr. Ritchie's or any appointment. If it had been requisite or usual to send to the Government any official intimation of Mr. Ritchie's appointment, such intimation would have been given in a formal and specific manner.

The Office of Registrar and Prothonotary of the Supreme Court had been vacant for about 5 months when the Chief Justice arrived at Madras, and the interest of the public and the suitors, as well as the efficient administration of justice made it his imperative duty to fill the Office with as little delay as possible: Before however appointing Mr. Ritchie, due regard was had to his acceptance of the office subject to all such probable changes connected with the proposed amalgamation of the Supreme and Sudr Courts as could reasonably and properly be anticipated; and in this we think your Excellency in Council will concur after a perusal of the correspondence between the Chief Justice and Mr. Ritchie, a copy of which we beg to enclose.

We now feel that it is not properly within our province or that of the Chief Justice to intimate to Mr. Ritchie any thing further by way of anticipated possible change; and we beg that your Excellency in Council will excuse our communicating to Mr. Ritchie on the part of the Government, the intimation as regards compensation contained in the letter of your Excellency in Council to us, which could now have no more effect than a notice sent directly to Mr. Ritchie [illegible] tly of us or of the Chief Justice alone.

We have the honor to be,
Honorable Sir,
Your most obedient Servants,

(Signed) C. H. SCOTLAND.
(") A. RITTLESTON.

Vide **D** and **E**. [illegible]

I.

Judicial.

No. 833.

[illegible]
Chief Secretary to Government, Fort Saint George.

To

Mr. A. M. RITCHIE,
Registrar and Prothonotary of Her Majesty's Supreme Court of Judicature at Madras.

Referring to your recent appointment to be Registrar and Prothonotary of Her Majesty's Supreme Court of Judicature at Madras, I am directed by His Excellency the Governor in Council to inform you, that you will not be considered by Government to have any title to compensation on account of any measures which may be taken regarding your Office, on the anticipated amalgamation of the Supreme and Sudr Courts.

I have honor to be,
Sir,
Your most obedient Servant,

(Signed) T. PYCROFT.

J.

From

ARTHUR MACDONALD-RITCHIE, Esq.,
Registrar &c.

To

THOMAS PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George.

SIR,

1. I have the honor to acknowledge the receipt of your communication of the 27th ultimo, referring to my appointment as Registrar and Prothonotary of Her Majesty's Supreme Court of Judicature at Madras, and informing me that I will not be considered by Government to have any title to compensation on account of any measures which may be taken regarding my office on the anticipated amalgamation of the Supreme and Sudr Courts.

2. Before proceeding to the question of title to compensation in the event of any change for the worse in my emoluments on the amalgamation referred to taking place, I must, and do hereby, most respectfully but at the same time most earnestly and emphatically protest against the Government attempting in any way to interfere with my appointment as Registrar and Prothonotary of Her Majesty's Supreme Court at Madras, because I submit the Government has no right so to do.

3. The appointment to the office of Registrar and Prothonotary of the said Court, rests and always has been vested in Her Majesty's Judges—and with them alone exists the power of making or enforcing any restrictions or conditions upon the person appointed and at the time of his appointment.

4. I was duly and regularly appointed to the office by Her Majesty's Chief Justice on the 31st May 1861, under certain conditions as to the *duties* of the office, but under none as to the *Emoluments* thereof, as will appear from copies of letters transmitted herewith.

5. Had any condition been made about future Emoluments, I would not have accepted the office.

6. Having been thus duly appointed, I the next day regularly entered upon the duties of the office and thereby became and still am entitled as of vested right to the Emoluments of the office.

7. The right having once vested, is as good whether enjoyed for only one day or for a hundred years, and consequently cannot be interfered with without compensation for loss.

8. The office was not filled up for the space of five months, during which there was ample time for the Government to have communicated with Her Majesty's Judges as to any conditions as to Emoluments in case of any future change in the Courts.

9. Any such intimation of the Government to Her Majesty's Judges, I have no doubt, would have received due consideration from them.

10. But no condition as to Emoluments having been made at the time of my appointment, my right to compensation in case of any loss accruing to me on the contemplated amalgamation, cannot be affected by a notice from Government a month nearly after the date of the appointment, for two very good reasons, viz.:—

1st. Because I submit the Governmemt has no right to interfere in any way with the appointment.

2nd. Because if the Government had the right, the notice now under acknowledgment is too late.

11. It would under existing circumstances be perfectly impossible either for Her Majesty's Judges or the Government to re-place me in my former status.

12. The Government, however, having through you done me the honor of referring to my appointment of Registrar and Prothonotary of H. M.'s Supreme Court at Madras, I now through you do myself the honor to notify to the Government, that I consider myself entitled to full and adequate compensation for any loss of Emoluments of office that may accrue on account of any measures which may be taken regarding my office on the anticipated amalgamation of the Supreme and Sudr Courts.

13. In conclusion, I note that at the date of your letter now under reply, His Excellency the Governor was en-route for the Godavery, the Senior Member of Council was at Bangalore, and there was no Commander-in-Chief in the Presidency.

I have the honor to be, &c.
(Signed) A. MACDONALD RITCHIE,
Registrar and Prothonotary.

SUPREME COURT, MADRAS,
REGISTRAR'S OFFICE,
6th July, 1861.

Copies of **D** and **E** accompanied this.

The above are True Returns and True Copies.

A. Macdonald Ritchie

Printed by Gantz Brothers: Adelphi Press, 175, Mount Road, Madras.

Sent Letter to Engd. dy 23d Dec. No 38 of 1863.

Judt Room 16 December 1863
O. No 1952.

No 1952 — 15 December 1863

Ordered that Mr. Ritchie's Memorial be transmitted to the Secretary of State.

Mr. Arthur M. Ritchie.
Registrar of the High Court, Original Side. } dec'd 19

Prov. 5th Sept. 1863 Dckt 53660

Ind. Dr to Ind. Dated Dec. 28th 38 of 1863
Registd — Act 9 of 1906.

Act 1863 Dep

Fe

Registration Dept

(Sd)

Patent 27th
Rec'd 13th } Nov. 63.

Cus.

In 2605

Forwarding a Commercial in triplicate for submission to the Right Honble the Secy of State for India

121 & 122

Exhibition Order.